



Federal Communications Commission
Washington, D.C. 20554

April 25, 2012

Mr. Craig Schield
234 Joya Circle
Harrisburg, PA 17112

RE: FCC # IC 12-C00365708 (WHTM)

Dear Mr. Schield:

This letter is in reference to the informal complaint, referenced above, that you filed with the Federal Communications Commission (Commission). A copy of your complaint is enclosed. The complaint implicates the Commission's rules requiring closed captioning. See Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1 *et seq.* Pursuant to the informal complaint process set forth in section 79.1 (g) of the Commission forwarded your informal complaint to the company named in the complaint, along with a Notice of Informal Complaint (NOIC). The NOIC instructed the company to file a response within 30 days of the date of the NOIC, and to send you a copy their response.

We have reviewed the informal complaint, the company's response and supporting evidence if warranted, and other information relevant to the claims made in the complaint. Based on the record, we find that the concerns you raised in your complaint have been addressed and, consistent with the complaint provisions of section 79.1 (g), no further action is required by the Commission. If you are still experiencing captioning problems, please file a new informal complaint using FCC Form 2000C an on-line complaint form found at the web site: www.fcc.gov/cgb/complaints.html. Please include detailed information e.g., the specific movie titles, dates and times.

If you have any questions about this matter, please do not hesitate to write us at 445 12th Street, SW, Washington, D.C. 20554, or call us at 1-888-CALL-FCC (1-888-225-5322). TTY users may dial 1-888-835-5322.

Sincerely,

A handwritten signature in cursive script that reads "Susan Kimmel".

Susan Kimmel
Deputy Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl.



Harrisburg
Lancaster
Lebanon
York

* Speak with specialist
for Captioning
& live
unscripted
TRACI K...
[TOP 25]
Required
for live
unscripted

Via Email and First Class Mail

Susan.Kimmel@fcc.gov

April 4, 2012

Ms. Susan L. Kimmel
Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: Complaint No. 12-C00365708-SG -WHTM (Schield)

Dear Ms. Kimmel:

We are in receipt of the above-captioned complaint dated March 17, 2012 from Mr. Craig Schield regarding closed captioning in WHTM programming. Mr. Schield states that "WHTM-TV didn't provide close captioning for Joe Paterno's memorial service from 2:00 pm to 4:00 pm" on January 26, 2012 ("Memorial Service").

We do not dispute Mr. Schield's claim; however, we respectfully note that captioning is not required in these circumstances.

For smaller stations like WHTM, the FCC endorses the use of an electronic newsroom system to caption live programming.¹ This system relays the actual verbatim written scripts used by anchors and reporters as they are read, and indeed, WHTM's electronic news room system was fully functioning in this manner for the first portion of the Memorial Service, which was produced and anchored from the WHTM studios. The remainder of the Memorial Service consisted of a live, unscripted feed from Penn State University.

¹ The electronic newsroom technique is a viable captioning option for stations ranked in the 26th DMA and below, as defined by Nielsen. 47 CFR §79.1(e)(3). WHTM is located within the Harrisburg-Lancaster-Lebanon-York DMA, which Nielsen ranked as the 41st largest market for the 2011-2012 television season. Nielsen, Local Television Market Universe Estimates, at 2, available at http://www.tvb.org/media/file/TVB_Market_Profiles_Nielsen_Household_DMA_RANKS.pdf.

3235 Hoffman St. Harrisburg, PA 17110

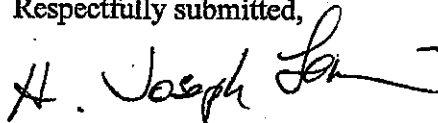
Ms. Susan L. Kimmel
April 4, 2012
Page 2

The FCC explicitly recognizes that "live field reports... may not be captioned,"² but, that because it is "[l]ive programming... captioned using the so-called 'electronic newsroom technique' [it] will be considered captioned."³

WHTM has long been committed to providing local news from its surrounding community to *all* its viewers, and it appreciates and values Mr. Schield's comments. WHTM will strive to improve captioning as new techniques become available.

To the extent that you have additional questions or concerns, please contact the undersigned.

Respectfully submitted,



H. Joseph Lewin
President and General Manager

Cc: Mr. Craig Schield
234 Joya Circle
Harrisburg, PA 17112
schield@aol.com

Ms. Solita Griffis
Solita.Griffis@fcc.gov

² Federal Communications Commission, Fact Sheet, June 1999, available at <http://transition.fcc.gov/cib/dro/ccfactsh.txt>.

³ 47 CFR §79.1(e)(3).

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

Date: March 17, 2012

In reply refer to case number: 12-C00365708-SG
WHTM (Schield)

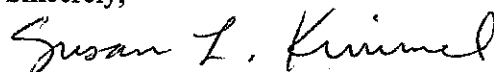
THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint.

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Solita.Griffis@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Solita Griffis at (202) 418-1564 or Solita.Griffis@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl



Admin 2000 [Switch to Admin1088]

FOR FCC INTERNAL USE ONLY

solita.griffis [CAM] Logout

HOME SEARCH NEW COMPLAINT HELP DOWNLOAD

In-Process Completed Served

Carrier Lookup

« Back to Complaints

Form 2000C (Disability Access Complaint) : 12-C00365708-1

USER FORM

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form
Email Factsheet(s)

[Consumer Party History](#) [Consumer History](#) [Form History](#) [Edit Form](#)

User Complaint Number: 12-C00365708

User Complaint Key: 12-C00365708-1

Complaint Source: Web

Added User: Consumer

Submission date: 01/26/2012

CONSUMER'S INFORMATION

First Name: Craig

Last Name: Schield

Company Name:
(Complete only if you are filing this complaint on behalf of a company or an organization.)

PO Box:

Address1: 234 Joya Circle

Address2:

City: Harrisburg State: PA

Zip Code: 17112

Telephone Number(Residential or Business): (717) 772 -1659 Ext:

E-mail Address: schield@aol.com

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? No
If yes, complete items a through h.

Your relationship with the party:

The party's first name:

The party's last name:

The party's daytime phone number: () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- ☒ Letter ☐ Facsimile (fax) ☐ Telephone Voice
☐ TRS (designate form of TRS and appropriate contact information)
☐ TTY ☐ Internet E-mail ☐ ASCII Text ☐ Audio-Cassette Recording ☐ Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- ☐ Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))
☐ Accessibility of emergency information on television
☒ Closed Captioning
☐ Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: **WHTM-TV 3235 Hoffman Street**

City: **Harrisburg** State: **PA** Zip Code: **17110**

Telephone number: **(717) 236-2727**

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:

4. If your complaint is about closed captioning or emergency information on television,

provide the date (mm/dd/yyyy) **01/26/2012** Time: **02:00 PM** and any details of when the event or action you are complaining about occurred: **WHTM-TV didn't provide close captioning for Joe Paterno's memorial service from 2:00 pm to 4:00 pm**

5. If your complaint is about access to emergency information on television, provide the following information:

- a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West");
b. Channel (e.g., "13");
c. Station or subscription TV provider system location:

City: County: State:

d. Date(s) and time(s) of emergency; and time

e.

Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about closed captioning, provide the following:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"); **WHTM**

b. Channel (e.g., "13"); **27.1**

c. Station or subscription TV provider system location:

City: **Harrisburg** County: **Dauphin** State: **PA**

d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite):

e. If you pay to receive television programming, name of company to whom you subscribe:

f. Name of program(s) involved:

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. **WHTM-TV didn't provide close captioning for Joe Paterno's memorial service from 2:00 pm to 4:00 pm**

Tishia Falk

From: Tishia Falk [TFalk@abc27.com]
Sent: Wednesday, April 04, 2012 10:21 AM
To: 'Susan.Kimmel@fcc.gov'
Cc: 'Magee, Claire'; 'Joe Lewin'; 'schiold@aol.com'; 'solita.Griffis@fcc.gov'
Subject: FCC Complaint/WHTM (Schiold)
Attachments: FCC No.12-C00365708-SG WHTM Schiold.pdf

Dear Ms. Kimmel:

Attached is WHTM's response to Closed Captioning Complaint FCC No. 12-C00365708-SG.

Sincerely,
Tishia L. Falk

Tishia Falk
Programming/Satellite Coordinator
Assistant to the General Manager

WHTM-TV
3235 Hoffman Street
Harrisburg, PA 17110
(717) 236-2727 x206 Phone
(717) 236-5764 Fax
tfalk@abc27.com



Harrisburg
Lancaster
Lebanon
York

Via Email and First Class Mail
Susan.Kimmel@fcc.gov

April 4, 2012

Ms. Susan L. Kimmel
Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: **Complaint No. 12-C00365708-SG –WHTM (Schield)**

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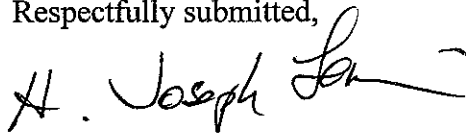
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Respectfully submitted,



H. Joseph Lewin
President and General Manager

Cc: Mr. Craig Schield
234 Joya Circle
Harrisburg, PA 17112
schield@aol.com

Ms. Solita Griffis
Solita.Griffis@fcc.gov

² Federal Communications Commission, Fact Sheet, June 1999, *available at* <http://transition.fcc.gov/cib/dro/ccfactsh.txt>.

³ 47 CFR §79.1(e)(3).

Tishia Falk

From: Tishia Falk [TFalk@abc27.com]
Sent: Tuesday, March 13, 2012 2:01 PM
To: 'schiold@aol.com'
Cc: 'Joe Lewin'; 'Magee, Claire'; 'Fritz, Jerry'
Subject: Closed Captioning Complaint / WHTM
Attachments: Schiold 12C00365708SG.pdf

Dear Mr. Schiold:

Attached please find WHTM's response to Closed Captioning Complaint No. 12-C00365708-SG.

Sincerely,
Tishia L. Falk

Tishia Falk
Programming/Satellite Coordinator
Assistant to the General Manager

WHTM-TV
3235 Hoffman Street
Harrisburg, PA 17110
(717) 236-2727 x206 Phone
(717) 236-5764 Fax
tfalk@abc27.com



Harrisburg
Lancaster
Lebanon
York

Via first-class mail and e-mail
schiold@aol.com

March 13, 2012

Mr. Craig Schield
234 Joya Circle
Harrisburg, PA 17112

Re: Closed Captioning Complaint FCC No. 12-C00365708-SG
WHTM (Schield)

Dear Mr. Schield:

We are in receipt of a complaint filed with the Federal Communications Commission regarding closed captioning on WHTM. We are in the process of researching your complaint and will respond shortly.

Very truly yours,

A handwritten signature in cursive script that reads "Tishia Falk".

Tishia Falk
Programming Coordinator

cc: H. Joseph Lewin
Jerald N. Fritz, Esq.

3235 Hoffman St. Harrisburg, PA 17110